

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States, )  
Plaintiff, )  
vs. )  
Robert Kimmell, )  
Defendant. )

3:14-cr-00054-RCJ-CBC-1

## ORDER

In his Motion to Produce Evidence (ECF No. 161), the Defendant moves this Court to compel the production of certain evidence for the purposes of the Defendant to later file a writ of habeas corpus. However, there is no authority for this Court to issue any production of evidence for this closed case after trial, conviction, sentencing, and affirmation by the Ninth Circuit. The Defendant cites to no precedent that would give this Court such a power. He claims that the Ninth Circuit allows for post-trial subpoenas in *United States v. Krane*, 625 F.3d 568 (9th Cir. 2010); however, the Court of Appeals made no such finding. In that case, the government had argued that subpoenas issued for the purposes of *sentencing* were necessary. Even if the Ninth Circuit had affirmed the issuance of those subpoenas, it would not affect whether subpoenas should be issued for this closed case. Thus, his motion is denied.

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CONCLUSION

2 IT IS HEREBY ORDERED that the Defendant's Motion to Produce Evidence (ECF No.  
3 161) is DENIED.

4 IT IS SO ORDERED.

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6 Dated this 29th day of May, 2019.

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8 ROBERT C. JONES  
9 United States District Judge  
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